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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-596-2007 alongwith
X-Objections No.21 of 2008
Date of Decision: October 23, 2019

National Insurance Company Limited

.....Appellant

Versus

Mohan Kaur and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Deepak Suri, Advocate with
Mr.Neeraj Khanna, Advocate
for the appellant-Insurance Company.

Mr.Simranjit Singh, Advocate for
Mr.H.S.Dhandi, Advocate
for respondent Nos.1 to 4.

Mr.TPS Bawa, Advocate
for respondent No.5.

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NIRMALJIT KAUR, J. (ORAL)

This order shall dispose of the above captioned appeal filed on behalf of the Insurance Company as well as the cross-objections filed on behalf of respondent Nos.1 to 4-cross-objectors.

FAO No.596 of 2007 is filed by the Insurance Company against the Award stating that the amount granted is on the higher side. Similarly, the cross-objections are filed stating that the claimants are entitled to enhance compensation under the head 'Future prospects' to the extent of 50%, ₹70,000/- under 'conventional head' and the multiplier should have been 15 instead of 12.

Learned counsel for the Insurance Company is not able to dispute the said legal proposition in view of the settled proposition of law in view of the judgment of Hon'ble Apex Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680. However, it is stated that 1/4th deduction as personal expenses be also made, which is not opposed by learned counsel for the claimants.

In view of the above, the Award dated 07.09.2006 deserves to be modified as under:-

Head	Amount
Monthly Income	₹2540.00
Future prospects @ 50%	₹1270
Total Monthly income	₹3810.00
1/4 th deduction as personal expenses	₹953.00
Monthly dependency	₹2857.00
Annual Dependency	₹34,284.00
Multiplier	15
Loss of dependency	₹5,14,260.00
Conventional Heads	₹70,000.00
Total compensation	₹5,84,260.00
Compensation awarded by Tribunal	₹3,75,760.00
Difference in compensation	₹2,08,500.00
Enhancement of compensation	₹2,08,500.00

The enhanced amount of ₹2,08,500.00 as per the above calculation, be paid to the respondent-claimants alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall

be deposited alongwith interest @ 12% from the expiry of the said two months.

In view of the above, the appeal filed by the Insurance Company is dismissed, whereas the objections filed by respondent Nos.1 to 4-claimants are allowed as per the modification. However, it goes without saying that recovery rights already granted by the Tribunal are maintained.

Disposed of accordingly.

October 23, 2019
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**(NIRMALJIT KAUR)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |